

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)	
)	
Plaintiff,)	
)	
VS.)	
)	
ERIC H. HOLDER, JR. in his)	
official capacity as Attorney)	
General of the United States,)	
)	
Defendant,)	
)	
ERIC KENNIE, et al,)	
)	
Defendant-Intervenors,)	
)	
TEXAS STATE CONFERENCE OF)	CASE NO. 1:12-CV-00128
NAACP BRANCHES,)	(RMC-DST-RLW)
)	Three-Judge Court
Defendant-Intervenors,)	
)	
TEXAS LEAGUE OF YOUNG VOTERS)	
EDUCATION FUND, et al,)	
)	
Defendant-Intervenors,)	
)	
TEXAS LEGISLATIVE BLACK)	
CAUCUS, et al,)	
)	
Defendant-Intervenors,)	
)	
VICTORIA RODRIGUEZ, et al.,)	
)	
Defendant-Intervenors.)	

ORAL DEPOSITION OF

JANICE McCOY

MAY 16, 2012

1 navigate the legislative process for the Senator in
2 terms of the behind-the-scenes staff work that takes
3 place.

4 Q. And can you describe that to me?

5 A. Filing the bill. Filing the bill and
6 requesting hearings, prepping talking points.

7 Q. Did you have any role in determining how
8 different senators would vote on SB 362?

9 A. No.

10 Q. Did Senator Fraser have any idea of how many
11 senators would support SB 362 when he introduced it?

12 MR. FREDERICK: Object. The question
13 calls for thought process and mental impressions of
14 Senator Fraser. It may also call for communications
15 with legislators and staff that are privileged. I would
16 instruct you not to answer on the basis of privilege.

17 A. I'll assert privilege.

18 (Exhibit 32 marked for identification.)

19 Q. (By Ms. Maranzano) Okay. Can you take a look
20 at what we've marked as Deposition Exhibit 32? In
21 particular, can you look at Rule 5.11, which is on Page
22 24. Do you see Provision D under 5.11?

23 A. Yes.

24 Q. When was that provision added to the rules?

25 A. January 14th, 2009.

1 correctly that there has not been, to the best of your
2 recollection, another category of legislation that's
3 been written into the rules as exempted from the
4 two-thirds vote requirement under Rule 5.11?

5 MR. FREDERICK: The same objection, but
6 you can answer.

7 A. Can you repeat the question?

8 Q. (By Ms. Maranzano) I just want to make sure I
9 understood the answer that you gave, because you
10 mentioned the Committee of the Whole. But am I
11 understanding you correctly that it's your recollection,
12 as you sit here, that during the time you worked for
13 Senator Fraser, there has not been another category of
14 legislation carved out of Rule 5.11 as voter
15 identification requirements are carved out in
16 Subsection D in the 2009 rules?

17 A. Yes.

18 Q. Okay. What was the purpose of carving out the
19 voter ID identification requirement from the two-thirds
20 rule?

21 A. I don't know.

22 Q. Did the Senator have any concerns about
23 exempting SB 362 from the requirement that legislation
24 get two-thirds support in the Senate?

25 MR. FREDERICK: Object on the grounds that

1 any public commitments to introduce Senate Bill 14 after
2 Senate Bill 362 did not get enacted?

3 A. Probably, but I can't definitively say.

4 Q. Was Senate Bill 14 given a designation by
5 Governor Perry as emergency legislation?

6 A. Governor Perry designated photo ID as an
7 emergency. I don't think that order specifically said
8 that bill number.

9 Q. What does it mean to be designated emergency
10 legislation?

11 A. According to the constitution, the Legislature
12 can't do anything substantive for 60 days unless the
13 Governor says it's an emergency.

14 Q. How did photo ID come to be included in the
15 Governor's designation?

16 A. I don't know. I'll just tell you. I mean...

17 Q. Did you have any conversations with anyone in
18 the Governor's Office about the emergency designation?

19 A. No.

20 Q. Did the Senator?

21 A. I don't know.

22 Q. Why would photo ID requirements need to be
23 considered within the first 60 days of the legislative
24 session?

25 MR. FREDERICK: Objection, calls for